

REMARKS

The last Office Action has been carefully considered.

It is noted that claim 10 is rejected under 35 U.S.C. 102(b) over the patent to Krimmer.

Claims 8 and 9 are rejected under 35 U.S.C. 112.

Claims 1-5 and 7 are allowed.

The Examiner's allowance of claims 1-5 and 7 have been gratefully acknowledged.

In connection with this indication, claims 1-5 and 7 have been retained as they were.

The Examiner's rejection of the claims for formal reasons under 35 U.S.C. 112 has been considered as well. In connection with this, claim 8 has been amended by including into it the subject matter of the original claim 1, without the feature of the umbrella-sealing plug with an umbrella membrane which is particular to the embodiment shown in Figure 1. Thus, claim 8 as amended together with claim 9 deal exclusively

with the embodiment of Figure 2, or in other words the embodiment in which there is an integral damping shoe. Thus, the rejection of claims 8 and 9 under 35 U.S.C. 112 should be considered as no longer tenable and should be withdrawn.

In connection with the Examiner's rejection of the claims over the art, applicants wishes to make the following remarks:

The patent to Krimmer deals with a magnet valve for tank ventilation in motor cars. The valve has a valve seat body 22 which has at least one body valve opening 25 with a valve seat 26. Further, a spring-loaded valve member 27 is disclosed, cooperating with the valve seat 26. The valve member 27 allows opening and closing of the at least one valve opening 25. The valve member forms a magnetic armature of an electrical magnet 13, and being disposed between the valve seat body 22 and a hollow-cylindrical magnet core 15 of the electrical magnet 13. It has a through opening 28 which is located coaxially with an access of the magnet core, the valve member functioning as return yoke of the electromagnet 13. A damper element 33 is arranged on the valve member 27 and has a damping material that lines the through opening 28 like a sheath and changes over into a first damping portion 332 being disposed on a first face end on the valve member 27 towards the valve seat body 22. The above mentioned damping portion is at least as large

as the valve seat 26 and extends into an annular second damping portion 333 that protrudes past a second face 272 of the valve member 27 toward the magnetic coil 15. A plurality of longitudinally continuous axial grooves 34 are made in the valve member 27 and open towards the through opening 28. The axial grooves are distributed over a circumference of the through opening 28 and are filled with damping material. The filling damping material protrudes past the second phase end 272 of the valve member.

In accordance with the invention disclosed in the present patent application, in particular illustrated in Figure 2, the armature element 7 is integrated into the integral damping shoe 15. The integral damping shoe 15 in accordance with the embodiment of Figure 2 is preloaded by a leaf spring 8. In the patent to Krimmer as shown in Figure 2, the damping element 33 is supported by a disk 27 which is preloaded by a helical spring 61 arranged on the outer circumference of the magnet core 15. In accordance with the present invention, the armature element 7 and the integral damping shoe 15 are directly connected with one another. In the patent to Krimmer the damping element 33 directly contacts at 333 the front face of the magnet core 15, while according to the present invention the armature element 7 extends in a lateral direction being preloaded by the leaf spring 8 til the flux concentrating element 5. The further difference of the present invention from the solution disclosed in

the patent to Krimmer is the closing element 11 which is not disclosed in the patent to Krimmer. The reference does not have a disclosure whatsoever that the armature element in the reference is a clapper type.

Thus, it is believed to be clear that the new features of the present invention which are defined in claims 8, 9 and 10 are not disclosed in this reference.

The original claims were rejected over the patent to Krimmer as being anticipated. In connection with this applicants wish to cite the following decision. In *Lindenmann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) it is stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the reference does not contain each and every element as defined in the above mentioned claims in the same order.

Therefore, it is believed that the anticipation rejection of the claims based on the patent to Krimmer should be considered as no longer tenable and should be withdrawn.

Claims 8, 9, 10 should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal aspects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned at (631-549-4700).

Respectfully submitted,



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